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PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**NEW UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(only for new nonprovisional applications under  
37 CFR 1.53(b))

Attorney Docket Number

18864-04962US

First Named Inventor

Robert J. Bernardi

Title

Auto-Adjust Noise Canceling  
Microphone With Position Sensor

Express Mail Label No.

EL566201029US

**APPLICATION ELEMENTS**

1. ☒ Fee Transmittal Form (in duplicate)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27
3. ☒ Specification Total Pages **47**  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference(s) to Related Case(s)
  - Statement Regarding Fed sponsored R & D
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawing(s)
  - Detailed Description
  - Claim or Claims
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) Total Sheets **8**
5. Oath or Declaration
  - a. ☒ New Declaration and Power of Attorney Total Pages **3**  
☒ Unexecuted
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

**ACCOMPANYING APPLICATION PARTS**

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ Certified Copy of Priority Document(s) (if foreign priority  
is claimed)
9. ☐ Power of Attorney or Authorization of Agent
10. ☐ 37 CFR 3.73(b) Statement
11. ☐ Preliminary Amendment
12. ☐ Information Disclosure Statement & PTO-1449  
☐ Copies of IDS Citation(s)
13. ☒ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form  
PTO/SB/35 or its equivalent
14. ☒ Return Postcard
15. ☐
16. ☐
17. ☐

**ADDRESS TO:**

**Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231**

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: \_\_\_\_/\_\_\_\_

Prior application information: Examiner: \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

**For CONTINUATION OR DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

☒ Customer Number and Bar Code Label



**00758**

Name (Print/Type)

Martin S.C. Loui

Registration No. (Attorney/Agent)

43,411

Signature

*Martin S.C. Loui*

Date

May 11, 2001

18864/04962/DOCS/1171754.1

EL566201029US

PTO/SB/17 (10-00)(modified)  
 Approved for use through 09/29/01, OMB 0651-0032  
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0002/PTO(modified) Rev. 10/2000	U.S. Department of Commerce Patent and Trademark Office	<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b>		Application Number	Not yet known
		Filing Date	May 11, 2001
		First Named Inventor	Robert J. Bemardi
		Group Art Unit	Not yet known
		Examiner Name	Not yet known
		Attorney Docket Number	18864-04962US
<b>TOTAL AMOUNT OF PAYMENT</b>			
Subtotal (1) + Subtotal (2) + Subtotal (3) =		(\$) <b>1024.00</b>	

<b>METHOD OF PAYMENT</b>	<b>FEE CALCULATION (continued)</b>
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<b>1. The Commissioner is hereby authorized to:</b>  <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account.  <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. †  <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27  Deposit Account Number: 19-2555 Deposit Account Name: FENWICK & WEST LLP  A Duplicate Copy of this authorization is attached		<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity Fee Code/Fee</th> <th>Small Entity Fee Code/Fee</th> <th>Fee Description</th> <th>Fee Due</th> </tr> </thead> <tbody> <tr><td>105/\$130</td><td>205/\$65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127/\$50</td><td>227/\$25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>147/\$2,520</td><td>147/\$2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>115/\$110</td><td>215/\$55</td><td>Extension for response within first month†</td><td></td></tr> <tr><td>116/\$390</td><td>216/\$195</td><td>Extension for response within second month†</td><td></td></tr> <tr><td>117/\$890</td><td>217/\$445</td><td>Extension for response within third month†</td><td></td></tr> <tr><td>118/\$1,390</td><td>218/\$695</td><td>Extension for response within fourth month†</td><td></td></tr> <tr><td>128/\$1,890</td><td>228/\$945</td><td>Extension for response within fifth month†</td><td></td></tr> <tr><td>119/\$310</td><td>219/\$155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>141/\$1,240</td><td>241/\$620</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr> <tr><td>142/\$1,240</td><td>242/\$620</td><td>Utility Issue Fee (Or Reissue)</td><td></td></tr> <tr><td>143/\$440</td><td>243/\$220</td><td>Design Issue Fee</td><td></td></tr> <tr><td>122/\$130</td><td>122/\$130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>126/\$180</td><td>126/\$180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>179/\$710</td><td>279/\$355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>581/\$40</td><td>581/\$40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146/\$710</td><td>246/\$355</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149/\$710</td><td>249/\$355</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td colspan="2">Other fee (specify):</td><td></td><td></td></tr> <tr><td colspan="2">Other fee (specify):</td><td></td><td></td></tr> <tr><td colspan="3"><b>SUBTOTAL (3)</b></td><td><b>(\$)<b>0.00</b></b></td></tr> </tbody> </table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	105/\$130	205/\$65	Surcharge - late filing fee or oath		127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet		147/\$2,520	147/\$2,520	For filing a request for reexamination		115/\$110	215/\$55	Extension for response within first month†		116/\$390	216/\$195	Extension for response within second month†		117/\$890	217/\$445	Extension for response within third month†		118/\$1,390	218/\$695	Extension for response within fourth month†		128/\$1,890	228/\$945	Extension for response within fifth month†		119/\$310	219/\$155	Notice of Appeal		141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application		142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)		143/\$440	243/\$220	Design Issue Fee		122/\$130	122/\$130	Petitions to the Commissioner		126/\$180	126/\$180	Submission of Information Disclosure Statement		179/\$710	279/\$355	Request for Continued Examination (RCE)		581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)		146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))		149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify):				Other fee (specify):				<b>SUBTOTAL (3)</b>			<b>(\$)<b>0.00</b></b>
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Robert J. Bernardi
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Title	Auto-Adjust Noise Canceling Microphone With Position Sensor
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Atty Docket Number	18864-04962US
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I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

May 11, 2001

Date



Signature

Martin S.C. Loui/Reg. No. 43,411

Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231. 18864/04962/DOCS/1171787.1

18864-04962-01